

### **Remarks**

Claims 8, 11 and 14 have been amended to address the Examiner's comments in sections 2 and 3 of the office action. Basis for the amendments can be found in the specification as a whole.

In response to the Examiner's comments in section 1 of the office action, Figure 2 has been reproduced more clearly such that the features 106, 108 and 110 can be clearly seen. Claim 14 and the specification on page 6 lines 9-12 have been amended to remove the reference to an optical transmitter and a receiver.

In section 9 of the office action the Examiner rejects claim 1 under 35 U.S.C. §103(a) as being unpatentable over Chandross (US 6,002,823). Chandross describes "thermo-optically controlled optical couplers" (Chandross, abstract) which uses a material having a refractive index which is highly dependent on temperature to provide a cladding for the ridge waveguides as clearly shown in Chandross, Figure 3. Chandross does not describe, teach or suggest use of a "strip loaded waveguide" (this application, claim 1). The configuration of a strip loaded waveguide is shown clearly in Figure 3b of this application and described on page 9 lines 8-18. In contrast, Figure 3 of Chandross clearly shows two ridge waveguides 12 and 13 which provide confinement of the optical mode. The Examiner refers to column 5 lines 48-51 but the Applicant respectfully submits that this description is merely of conventional ridge waveguides and Chandross' use of the term "strip-like" is totally different from a strip loaded waveguide.

In addition, Chandross does not teach that "the device further comprises an additional material positioned adjacent at least a portion of the waveguide, the material having a higher refractive index than the waveguide" (this application, claim 1).

Consequently the present invention as defined by claim 1 is clearly both novel and not obvious and the Applicant respectfully submits that the Examiner's rejection cannot be sustained.

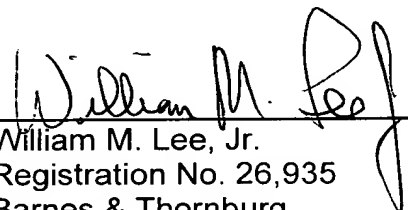
Independent claims 8, 14, 16 and 17 contain the same characterizing features as claim 1 and therefore the above arguments are also applicable.

Detailed arguments are not presented in respect of the dependent claims. However the arguments of the Examiner should not be taken to be accepted.

In view of the fact that all of the Examiner's comments have been addressed, further and favorable consideration is respectfully solicited.

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Respectfully submitted,

  
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